

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: OKAMURA=2B

In re Application of:

Haruki OKAMURA et al.

Serial No.: 09/050,249

Filed: March 30, 1998

For: IFN- $\gamma$  PRODUCTION INDUCING  
PROTEIN AND MONOCLONAL  
ANTIBODY...



Art Unit: 1646

Examiner: FITZGERALD, D.

Washington, D.C.

March 3, 2000

TERMINAL DISCLAIMER

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Kabushiki Kaisha Hayashibara Seibutsu Kagaku Kenkyujo, a corporation of the Country of Japan, having a principal place of business at 2-3, 1-chome, Shimoishii, Okayama-shi, Okayama, Japan, (hereinafter referred to as "Assignee"), is the owner of 100% of the entire right, title and interest in the above-identified application and any patent to be granted thereon. Assignee, through its undersigned agent of record, hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of patent no. 5,912,324, issued June 15, 1999, plus any extension thereof which may be subsequently granted, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with patent no. 5,912,324, this agreement to run with any patent

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granted on the above-identified application and to be binding upon the grantor, its successors or assigns. Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of patent no. 5,912,324, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(1), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above. This terminal disclaimer is being made without waiver of petitioner's rights under 35 U.S.C. 156, or elsewhere, which may be available to extend the term of any patent granted on the above-identified application beyond the date set by this terminal disclaimer (37 CFR 1.775(a)). The fee required by 37 CFR 1.20(d) is attached hereto.

It is Assignee's intent that the amount of time disclaimed and the scope of the common ownership clause be the minimum required by law and this document is to be construed to effectuate said intent. No admission is made that any claim of the above-identified application is obvious over any claim of patent no. 5,912,324.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further

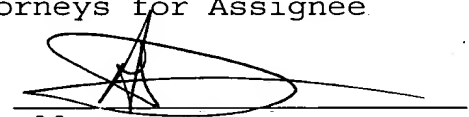
In re U.S. Patent No.

that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

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